IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.838 OF 2004

IN

SUM. SUIT NO. 2797 OF 2004

Hemant Chandmal Solanki . .. Plaintiff.

vs.

M/s. Raj Palace Jewellers .. Defendants.

Mr. Rajendra Singh i/by S.M. Jain

for plaintiff.

Mr. Sandeep Ghogare for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 4th October, 2005.

P.C.:

. It is the case of the plaintiff that the goods were delivered on approval basis under letter dated 23.8.2003 and thereafter the defendant has disappeared. A police complaint was lodged and it is the case of the plaintiff that in the police proceedings part of the goods are recovered. The balance goods are treated by him to have been sold and on that basis the summary suit has been filed. In my opinion, no summary suit lies on the aforesaid

facts Unconditional leave to defend is granted. Summons for judgment is dismissed.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.